



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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OFFICE OF PETITIONS
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In re application of:
Stuart A. Newman
Application No. 08/993,564
Filed: December 18, 1997
For: CHIMERIC EMBRYOS AND ANIMALS
CONTAINING HUMAN CELLS

ON PETITION

This is a decision on the Supplemental Petition Under 37 C.F.R. 1.182, filed November 24, 1998, which, in essence, requests clarification of Patent and Trademark Office's current interpretation, regulatory guidance, and policies with respect to the patentability of chimeric or hybrid organisms comprising human cells or portions thereof.

The petition is **dismissed**.

The issues raised by petitioner in the instant supplemental petition under 37 C.F.R. 1.182 were previously considered by the Patent and Trademark Office (PTO) in the decision of May 26, 1998, and the instant petition is dismissed for the reasons set forth in the decision of May 26, 1998. It is noted, however, that what petitioner seeks will be provided in the PTO's office action on the instant application.

The \$130.00 petition fee (37 C.F.R. 1.17(h)) is unnecessary and petitioners may request a refund of this \$130.00 fee. Such a request for refund must be submitted in writing to the Office of Finance and accompanied by a copy of this decision.

Manuel A. Antonakas
Director, Office of Patent Policy Dissemination
Office of the Deputy Assistant Commissioner
For Patent Policy and Projects